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SUBJECT: ESTONIA - NINTH ANNUAL ANTI-TRAFFICKING REPORT

REF: A) STATE 132759

11. (U) The following is Embassy Tallinn's Anti-Trafficking Report for Estonia. Responses are keyed to the checklist (Ref A). Post's points of contact on Trafficking in Persons (TIP) are Political Officer Alamanda Gribbin (Email: GribbinAL@state.gov; tel: +372-668-8291) and Political Assistant Riina Tannia (Tel: +372-668-8233; Email: Tanniar@state.gov).

12. (SBU) SUMMARY: The Government of Estonia (GOE) has made significant progress in combating trafficking-in-persons in 2008, developing stronger coordination with local NGOs active on this issue, improving services to victims and working on the expansion of the penal code statutes relating to enslavement. During the reporting period the Estonian Government confirmed two cases of trafficking. As a result, Estonia does not meet either the State Department's 'significance' threshold or the '100 confirmed cases' benchmark for inclusion in the trafficking report as a Tier Two country. The rare incidence of trafficking cases, combined with strong GOE leadership, allow us to justify moving Estonia to Tier One status. END SUMMARY.

Estonia's TIP Situation

13. (SBU) A: The Estonian Ministry of Justice (MOJ), Ministry of Foreign Affairs (MFA), Ministry of Social Affairs (MSA), Ministry of Interior (MOI) local NGOs, the local branch of the International Organization for Migration (IOM), the Nordic Police and Customs Cooperation Office in Tallinn and the Norwegian, Swedish and Finnish Embassies in Tallinn were all sources of available information on TIP. The information assembled in this report is based on the most current and reliable data available at this time.

14. (SBU) B: Estonia is believed to be a country of origin and transit for trafficked women. According to Estonian Government officials concerned with human trafficking, the recent downturn in the Estonian economy has dramatically decreased the price of sexual services in the country, making Estonia a less desirable destination for traffickers. During the reporting period, there was

no evidence of men, women or children being trafficked into Estonia. During the reporting period, two trafficking cases were registered in the Estonian courts. One case involved an Estonian responding to a job advertisement promising work in the Ukraine. The case was ultimately dismissed due to lack of evidence. The second case involved an inmate in an Estonian prison but was ultimately deemed to be an incidence of forced labor.

15. (SBU) B, cont: During the reporting period, the Estonian MOJ also recorded the return of three Estonian women who were alleged to have been victims of trafficking abroad (one in the UK and two in Norway). The MOJ noted the return of a mentally-handicapped woman from Tartu who traveled to Finland where she was forced to perform sex acts for approximately three weeks. The two men deemed responsible for forcing her to commit the acts were tried and convicted of pimping in a Finnish court.

16. (SBU) B, cont: According to the Estonian Ministry for Social Affairs (MSA), it is difficult to track the exact number of trafficking victims in Estonia. Travel-friendly regulations in the Schengen zone and variations in victim reporting practices among neighboring countries made obtaining exact victim statistics difficult. To improve the tracking mechanism, MSA worked with relevant NGOs on the development of a victim identification model. A joint Government and NGO anti-trafficking workgroup approved the model in January 2009 and hope to have it in place by March 2009. (Post will update before the April 15 deadline).

17. (SBU) B, cont: In addition to GOE agencies and NGOs, post also consulted with the resident Liaison Officer for Nordic Customs and Police Cooperation (covering Estonia, Denmark, Finland, Iceland, Norway and Sweden) and representatives from the Embassies of Norway, Sweden and Finland in Estonia. According to the Liaison Officer, cataloguing the exact number of Estonian trafficking victims abroad is quite difficult. The Nordic Customs and Police agencies only report trafficking victims to the country of origin in certain cases: 1) when a case goes to court and the victim's identity cannot be ascertained; 2) when victims request services from the country of origin.

18. (SBU) B, cont/C: Based on discussions with Nordic Police, Nordic diplomats in Tallinn, and the Estonian MFA and MOJ, we understand that during the reporting period there were no documented Estonian trafficking victims in Sweden or Finland, but two victims were returned to Estonia from Norway. The women in question were offered jobs in a bar, but when they arrived in Norway it turned out that they were expected to provide sexual services. An Estonian woman in the UK alleged to be a victim of trafficking and sought assistance through a UK trafficking NGO to return to Estonia. Once she arrived in Estonia, she refused additional victim assistance. As such, the exact circumstances surrounding her alleged victimization are unclear.

19. (SBU) D: Estonian prostitutes with drug addictions should be (and are) considered vulnerable to traffickers.

110. (SBU) E: According to Estonian law enforcement, most traffickers were generally small-scale operators, who often had ties to local organized crime groups. The representatives of the Estonian NGOs 'Atoll' and 'Eluliin' remarked that, in some cases, former prostitutes become traffickers and pimps. The most common lure by traffickers remains the promise of legitimate employment abroad (e.g., hotels, restaurants, massage parlors, and strip clubs). In December 2007, Estonia formally joined the EU's Schengen Agreement for common visa and immigration borders on land and sea. Estonia also joined the Schengen area for air borders on March 30, 2008. This agreement allows for the free

movement of people within Schengen countries (the UK, Ireland, and Denmark are not members), eliminating the need for traffickers to obtain false documentation to move victims between Estonia and the rest of the EU.

Setting the Scene for Estonia's ANTI-TIP Efforts

¶11. (SBU) A: The government of Estonia has acknowledged that anti-trafficking is a priority.

¶12. (SBU) B: During the reporting period, the following ministries and agencies were involved in anti-trafficking activities: MFA, MOI, MOJ, MSA, Ministry of Education and Research (MOER), Ministry of Finance (MOF), Citizenship and Migration Board (CMB), the Border Guards, Police Board, the Central Criminal Police (CCP), INTERPOL and EUROPOL liaison offices, and the Prosecutor's Office. Recognizing that trafficking extends beyond the scope of any single agency, the GOE's National Action Plan designates the MOJ as the lead ministry to better coordinate the government's efforts. During the reporting period, the MOJ, MSA, MOI, and MFA met regularly at various working-levels.

¶13. (SBU) C: Previously, inadequate funding limited the GOE's ability to combat trafficking. However, the GOE recognized this deficiency and has steadily increased the amount of funding committed to anti-trafficking measures. In 2006, the anti-trafficking budget was approximately 14,000 USD. In 2007, the GOE spent approximately 181,000 USD on prevention and victim assistance and in 2008 the amount spent was approximately 200,000 USD.

¶14. (SBU): C, cont: Post found no evidence of trafficking-related corruption within the GOE. We are also not aware of any instances of bribe-taking related to trafficking among GOE, law enforcement, or border guard officials. With respect to public corruption, there is a "Select Committee on the Application of the Anti-Corruption Act" in the Riigikogu (the Estonian Parliament) which promoted full implementation of anti-corruption legislation.

¶15. (SBU) D: In 2006, the GOE founded the National Anti-Trafficking Network. The tasks of the network are recorded in the National Action Plan for the years 2006-¶2009. This year the Ministry of Justice will start working on the new action plan for 2009-2012. The draft action plan should be ready early this year. The Network is represented by the relevant Ministries, police, border guards, prosecutors and NGOs dealing directly with the trafficking issue. Representatives meet throughout the year and correspond frequently via e-mail. Each year, the Network drafts an assessment of the previous year's activities. GOE ministries are currently circulating the 2008 assessment.

Investigation and Prosecution of Traffickers

¶16. (SBU) A: Estonia does not have any trafficking-specific laws in its criminal code. The GOE considers trafficking to be prohibited under Article 133 (the prohibition of enslavement) and further considers Article 133 to be an adequate mechanism for addressing trafficking cases. In March 2007, the GOE expanded Article 133 in accordance with a July 19, 2002 framework decision of the EU Council. Article 133 now includes in the definition of 'enslavement' 'taking advantage of a person's helpless situation.' Also in 2007, Article 134 was expanded to include forcing a person to work or perform duties against their will, for the benefit of another person. The Ministry of Justice is working on an analysis of the trafficking definition and possible changes to the current legislation. The analyses should be ready by end of March 2009.

¶17. (SBU) A, Cont: Over the last few years, the MOJ has expanded the number of articles it can use to prosecute trafficking and related crimes. The following is a list of laws that the GOE can use in addition to Article 133 when prosecuting traffickers:

- Article 134: Abduction;
- Article 136: Unlawful deprivation of liberty;
- Article 138: Illegal conduct of human research;
- Article 139: Illegal removal of organs or tissue;
- Article 140: Inducing persons to donate organs or tissue;
- Article 143: Compelling persons to engage in sexual intercourse;
- Article 143/1: Compelling persons to engage in satisfaction of sexual desire;
- Article 172: Child kidnapping;
- Article 173: Sale or purchase of children;
- Article 175: Disposing minors to engage in prostitution;
- Article 176: Aiding prostitution involving minors;
- Article 177: Use of minors in manufacture of pornographic works;
- Article 178: Manufacture of works involving child pornography or making child pornography available;
- Article 259: Illegal transportation of aliens across state border or temporary border line of Republic of Estonia;
- Article 268: Provision of opportunity to engage in unlawful activities, or pimping;

During the reporting period, the MOJ recorded 189 individual criminal offenses related to these statutes, although as a single suspect can be charged with multiple violations, the actual number of court judgments related to the above statutes is 67. The MOJ noted that in two instances the alleged violations specifically related to trafficking. The remaining violations were related to illegal commercial sex activities (e.g., pimping, exploitation of minors, kidnapping, etc.).

¶18. (SBU) B: The penalty for 'enslavement' for the purposes of sexual exploitation is up to five years imprisonment. If there are two or more victims or if the victims are minors, the penalty is up to 12 years of imprisonment. During the reporting period, there were no convictions for 'enslavement' for the purposes of sexual exploitation under Article 133 of the Penal Code.

¶19. (SBU) C: The prescribed penalty for labor trafficking is one to five years imprisonment. In severe cases, the penalty is three to twelve years imprisonment. During the reporting period two persons were convicted of 'enslavement' under Article 133 of the Penal Code for forcing the third person to sell drugs. One defendant was sentenced to 1 year and 6 months imprisonment and the other to one year imprisonment. As both had been convicted before and had not yet served the related sentences, they received a combined sentence of seven years and two months imprisonment and 14 days and four years eight months and seven days respectively.

¶20. (SBU) D: The penalties for trafficking under enslavement, abduction, rape, sexual assault, and sexual abuse of minors are five years imprisonment in the case of adult victims, and 12 years for child victims under age 18. Prosecutors may also add violations of additional statutes to increase the penalty (i.e., rape, abuse of a minor, etc.).

¶21. (SBU) E: During the reporting period, two persons were convicted of trafficking related crimes under the expanded Article 133 relating to enslavement. (See Paragraph 19C for information concerning their sentencing.)

¶22. (SBU) E, cont: Estonian labor laws forbid

inappropriately high or illegal fees or commissions by labor recruiters, confiscating of workers' passports/travel documents and the destruction, damaging, theft or concealment of these documents. Violators can be prosecuted under paragraphs 209 and 346 of the Estonian Penal Code dealing with fraud and theft, and receive punishment in the form of a minimum fine of 5,000 USD or 5 to 15 years imprisonment. The switching of contracts or terms of employment without a worker's consent is forbidden by paragraph 12 of the Labor Market Services and Benefits Act. The Labour Inspectorate, a government agency operating under the umbrella of the MSA, enforces these provisions. There were no prosecutions for these crimes during the reporting period.

¶23. (SBU) F: Together with NGOs 'Living for Tomorrow,' 'Eluliin' and the Police, the MSA conducted three TIP prevention training seminars in April, May and October for social workers, juvenile police and support persons of women engaged in prostitution and trafficking victims. Responsible for the trainings along with MSA were the Prosecutor's Office, MOI and MFA. On May 29, 2008, twenty-one police officers from the Eastern Police Prefecture participated in the training seminar 'Prevention of trafficking in persons and assisting the victims.' On May 14-15, 2008, the Open Society Institute of Estonia conducted training on prostitution in Estonia from a legal perspective. Representatives of both the National Police Board and Northern Police Prefecture attended the seminar. The border guards received no special training in 2008, but they were provided with the handbooks from the 2007 training. Two trainings for judges are planned for April and May 2009. The total cost of three seminars in 2008 was approximately 6,740 USD.

¶24. (SBU) F, cont: In addition to MSA-initiated trainings for the police and youth counselors, the NGO 'Living for Tomorrow' conducted 22 anti-trafficking trainings all over Estonia for 441 schoolchildren. Twelve were conducted in Estonian and ten in the Russian language. In total, 39 schools participated in the above-mentioned training seminars. Trainings were also held at ten Estonian and Russian orphanages and three specialized schools, with 129 participants altogether, both children and adults.

¶25. (SBU) F, cont: In July the Southern Police Prefecture' Prevention Office organized a three-day youth camp for young people from Tartu, Jõgeva and Valga counties. One of the topics covered was trafficking in persons. There were 200 participants altogether.

¶26. (SBU) F, cont: In September 2008, representatives from the National Institute for Health Development and the Intelligence Department of the Estonian Border Guard took part in an OSCE conference 'Successful Prosecution of Human Trafficking - Challenges and Good Practices' in Helsinki. In November 2008, representatives of the MFA and the Estonian Embassy in Copenhagen participated in a trafficking related training for diplomats organized by the Council of Baltic Sea States (CBSS) anti-trafficking task force working-group. An MFA representative took part in the CBSS anti-trafficking task force meetings in May, September and November 2008.

¶27. (SBU) G: The Estonian Central Criminal Police exchanged surveillance information on a regular basis with counterparts from Sweden, Denmark, Norway, Finland, Great Britain and Poland. They received 16 requests for assistance from abroad during 2008. Also in 2008, Estonian law enforcement officials formed an information and best practices exchange network with Bulgaria, Sweden and Romania. The Nordic Customs and Police Cooperation Liaison in Tallinn reported that cooperation with Estonian counterparts takes many forms, from assistance in suspect surveillance and interrogation to providing victim and perpetrator identities. The Liaison

characterized Estonia's cooperation in trafficking related matters as good.

¶28. (SBU) H: GOE policy is to extradite persons, including its own nationals, who are charged with trafficking in other countries. Three trafficking related extraditions to Finland took place during the reporting period.

¶29. (SBU) J: There was no evidence of government involvement in or tolerance of trafficking at either the local or institutional level.

¶30. (SBU) K: Prostitution and the solicitation of commercial sex are not illegal in Estonia. Pimping, however, is illegal. The activities of brothel owners/operators, pimps, and enforcers are criminalized and the GOE regularly enforces the laws.

¶31. (SBU) L: There was no evidence of Estonian peacekeepers' deployed abroad engaging in trafficking.

¶32. (SBU) M: Estonia does not have an identified child sex tourism problem (either as a source or a destination country).

PROTECTION AND ASSISTANCE TO VICTIMS:

¶33. (SBU) A: In 2006, the GOE incorporated EU Council Directive 2004/81/EC into national law to make it possible for trafficking victims to obtain a temporary residency permit for the duration of criminal investigations and legal proceedings. The law was enacted in February 2007. No trafficking victim applied for a residency permit during the reporting period.

¶34. (SBU) B: In 2007, three shelters designated specifically for trafficking victims began operating in Estonia. The shelters, available to foreign and domestic victims alike, were established as part of the Nordic-Baltic pilot project and offer psychological, career and legal counseling to victims. The shelters are operated by NGOs. There are no special shelters for male victims. According to the MSA, during the reporting period 55 past and present victims received services in these facilities, 17 of them stayed in shelters for some time and 38 victims received assistance and counseling in outpatient centers. Funding for the shelters was provided by the Nordic countries through the European Women's Lobby. These shelters also received funds under an MOI-directed program to support regional investments with taxes on gambling. As of 2009 however, the two shelters for TIP victims and the rehabilitation center in Tallinn will receive funding from the MSA in the amount of 100,000 USD per year. The GOE also supported a children's 24-hour hotline dedicated to the early recognition of child victims and providing assistance. Social workers answer the phones and they can forward the calls to psychologists or police whenever necessary. The GOE allocated approximately 75 percent of its overall 200,000 USD anti-trafficking budget to victims' assistance programs.

¶35. (SBU) C/D: The MSA contributed 5,000 USD to IOM for a handbook on assistance to trafficking victims. This handbook is a practical guide for medical workers and others who assist trafficking victims. The first training on how to use the handbook took place in February 2009. The NGO 'Living for Tomorrow' received 2,000 USD from the Estonian Gambling Tax Council. The funds supported 22 trafficking awareness training sessions for secondary and vocational school students at 39 schools, and nine training sessions for 229 adults (victim assistants, youth counsellors, teachers of history and civics, church ministers, etc). In addition, the MSA provided the NGO 'Living for Tomorrow' 15,000 USD to fund its anti-trafficking Hotline service.

¶36. (SBU) E: See paragraphs 37 and 38 J on victim assistance.

¶37. (SBU) F/G/H: There was no government mechanism for screening for trafficking victims. This work was done by the NGO 'Atoll's' regular field survey of area prostitutes which included efforts to identify trafficking victims. A new victim identification model was approved by the joint Government-NGO anti-trafficking network at the end of January 2009. The Government intends to begin using the model this year.

¶38. (SBU) I: Post found no evidence that trafficking victims were unlawfully detained, jailed, and/or deported. There were also no incidents of trafficking victims or witnesses having their rights to seek damages impeded.

¶39. (SBU) J: Under Estonia's Victim Assistance Act (VAA), the MSA was responsible for overseeing assistance services for trafficking victims. The MSA worked closely with local and county governments and NGOs in providing victim's assistance, as well as training and supervising volunteers.

¶40. (SBU) J, cont: Under Estonia's Crime Victim's Compensation Act (CVCA), trafficking victims are eligible for financial assistance and compensation of up to 70 percent of the damages caused by the crime. During the reporting period, none of the CVCA recipients were identified as trafficking victims.

¶41. (SBU) J, cont: During the reporting period, a Baltic Sea States region-wide witness protection agreement (signed by Estonia, Latvia and Lithuania) was in force. However, no Estonian trafficking victims elected to participate in the Baltic program.

¶42. (SBU) J, cont: The MFA took steps to ensure that, upon repatriation, trafficking victims were made aware of assistance services available from GOE agencies and NGOs. The information sheet containing contact data for the Estonian Women's Shelter Union is available at Estonian Embassies. Minor victims are referred to the Tartu Child Support Center for assistance.

¶43. (SBU) J, cont: The Estonian Embassy in London assisted in repatriating a female trafficking victim back to Estonia from the UK in June 2008. Upon her return to Estonia, the woman was met at the airport by the representative of the NGO 'Eluliin,' but she rejected any assistance. The Ministry of Foreign Affairs covered the repatriation costs of the victim.

¶44. (SBU) K: The Ministry of Social Affairs holds an annual training session for consular officers on recognizing and assisting trafficking victims. The training material is available electronically as well. Estonian Consulates and Embassies have developed good relations with NGOs and international organizations that serve trafficking victims.

¶45. (SBU) L: The Government of Estonia provides medical aid, shelter, financial and legal assistance to its nationals who are repatriated as victims of trafficking.

¶46. (SBU) M: The following NGOs and international organizations work with trafficking victims:

- Living for Tomorrow (prevention and outreach; trafficking prevention hotline);
- HIV/AIDS Prevention Center (prevention and outreach);
- International Organization for Adolescents (prevention, outreach, and victim assistance);
- Human Rights Legal Information Center (prevention and outreach);
- Estonian Women's Studies and Resource Center (ENUT);

--Tartu Child Support Center (prevention and support);
--Equal (outreach and assistance to prostitutes);
--Atoll (outreach and assistance to prostitutes);
--International Organization for Migration (outreach,
prevention, assistance to victims);
--Eluliin
--The Vega Center

¶47. M, cont: In general, (as cited in paragraphs 34 B and 35 C/D) during the reporting period, the GOE allotted 200,000 USD to trafficking related training, campaigns and other activities. Approximately 75 percent of this budget was spent on victim services, including hotlines, and the remaining 25 percent was spent on prevention. (See paragraph 34B for a description of available shelter services.)

PREVENTION:

¶48. (SBU) A: The MFA has been active in disseminating informational materials on trafficking and consular services at the Ministry itself, on their webpage and at the Tallinn airport and harbors. The MFA also disseminated trafficking-related materials at TourEst 2008, the annual tourism fair, which was attended by approximately 23,465 people over three days. They plan to participate in TourEst 2009. The MFA also operated a 24-hour hotline for Estonians traveling abroad. Estonian Embassies and the MFA offered voluntary registration for Estonian citizens traveling abroad. Over 6,200 Estonians registered with the MFA and Estonian foreign missions prior to their travel abroad in 2008.

¶49. (SBU) B: The GOE adequately monitored its borders for trafficking. The GOE monitored immigration and emigration patterns for evidence of trafficking unilaterally and in concert with regional border guards and law-enforcement partners. One strategy of the 2008 National Action Plan was to pay closer attention to minors crossing the EU border with Russia, including questioning minors or persons accompanying minors, contacting the parents of a child traveling without them and requesting additional documents. During the reporting period there were no cases identified of trafficking minors.

¶50. (SBU) C: The National Anti-Trafficking Network comprises not only representatives of the relevant ministries, but also NGOs. The representatives of the ministries have stressed that NGO participation in the network is crucial, as they have the best knowledge of the problem and have the closest contacts with trafficking victims. In 2008, the Government of Estonia acknowledged the Anti-Trafficking Network for a best practices award, noting the good cooperation of Government organizations with NGOs dealing with the TIP issue.

¶51. (SBU) D: In 2006, the GOE founded a national Anti-Trafficking working group. This group, represented by MFA, MIA, MOJ, MSA, Ministry of Education (ME), Ministry of Finance (MOF), Citizenship and Migration Board (CMB), the Border Guards, Police Board, Central Criminal Police (CCP), INTERPOL and EUROPOL liaison offices and the Prosecutor's Office, drafted a National Action Plan to combat trafficking for the period 2006-2009. The MOJ is the lead agency and is responsible for the implementation of the plan and inter-agency coordination. There is also a public corruption taskforce under the authority of the MOJ. Each year, a thorough review is conducted of the previous years' goals and areas for improvement are identified. The 2008 goals are currently under review at the inter-ministerial level.

¶52. (SBU) E: The GOE has undertaken several initiatives to reduce demand for sex services in Estonia. In 2008, the MSA presented the results of research conducted in

Estonia on demand issues. Expert speakers from Denmark, Norway and Finland were invited. Sixty-three persons participated in the event, among them officials, NGOs, sociologists and Members of Parliament. In October and November 2008, 'Living for Tomorrow,' together with the MSA, conducted a six-day training for youth counselors. Topics under discussion were trafficking, forced labor, prostitution and demand issues. Twenty-three persons took part in the training. The GOE also conducted a media campaign on the dangers of prostitution. In November 2008, the MSA published a four-page addendum to the biggest Estonian daily Postimees (236,000 readers) called the 'Hidden Side of Prostitution' which aimed at reducing the demand and conducted prostitution prevention programs in schools.

¶53. (SBU) E, cont: During the reporting period the MSA allotted about 6,300 USD for publishing two brochures: 'Ten Myths about Prostitution' and 'Sex Slavery in Our Time.' Translated into Estonian were articles by Danish and Finnish sociologists Claus Lautrup and Marjut Yurkis and a book called 'What's Love Gotta Do With It' Reflections on psychotherapeutic work with buyers and sellers of sex'. All of these materials were distributed at seminars and lectures. The MOER is also planning to include the topic of trafficking in persons into national curriculum as part of the risk behavior section in the social studies course in the 8th grade.

¶54. (SBU) E, cont: Police also continued their efforts to crack down on area brothels. In the beginning of 2006, there were 43 known brothels operating in Estonia. According to the Estonian Police, currently only 3 remain in operation.

¶55. (SBU) F: There were no known instances of international child sex tourism by Estonian nationals. However, the Estonian MSA and various law enforcement agencies held regular trainings for child protection workers and police officers on how to recognize child trafficking victims. The Estonian Police has a special group that deals with sexual exploitation of children. Crimes of sexual exploitation of minors for sex purposes are one of the priorities of the State Prosecutor's Office. The GOE also took part in the Council of Baltic Sea States Working Group for Cooperation on Children at Risk. (Estonia has been a member of this work group since 2002, and was the Chair Country for 2007-2008). In November 2008, a representative of the MSA took part in the 3rd World Congress on the issue of child exploitation in Rio de Janeiro.

¶56. (SBU) G: Estonia did not meet this criterion.

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